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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,659	06/27/2003	Chitra Dorai	SOM920030002US1	2673

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EXAMINER

LU, TOM Y

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/607,659

Applicant(s)

DORAI ET AL.

Examiner

Tom Y. Lu

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 10/06/2003.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 10/16/2003 has been considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 20 defines “a machine readable medium containing one or more programs” embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., “When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized” – Guidelines Annex IV). That is, the scope of the presently claimed *a machine-readable medium containing one or more programs* can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on “computer-readable medium” or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by McElveen (U.S. Patent Publication No. 2004/0185900 A1, Mar. 20, 2003).

a. As per claim 1, McElveen discloses a method of providing security in accordance with at least one user (paragraph [0002]), comprising the steps of: receiving at least one image associated with a user device (paragraph [0025], at step 458, the data from the user's cell phone is received at the monitoring service. Note the data includes visual data, which is the claimed image data captured by the user's cell phone camera, see paragraphs [0016] and [0020], also see figure 1B), the user device (a cell phone) being associated with the at least one user (the user is the owner of the cell phone); associating the at least one image with user data (the visual data is associated with the user data of identification data, optional audio data ... and global positioning data, paragraph [0016]); determining whether to use the at least one image (once the data is received, the data is tested to determine whether the data includes an emergency situation indicator, and if so, the proper authority is notified. In another words, the monitoring service determines whether to forward the data to notify authorities step 464 based on the

existence of an emergency, see figure 4B and paragraph [0025]); and using the at least one image and at least a portion of the user data when indicated to do so in accordance with the determining step (the notifying authorities step 464 uses the data to determine types of emergency in order to contact proper authorities, see paragraph [0025]).

- b. As per claim 2, McElveen discloses the step of specifying a process for determining whether or use the at least one image (E Code test step 460 and Monitor 470, see figure 4B and paragraph [0025], determine whether or not the data should be forwarded to step 464 based on the detection of emergency indicators and indicia, respectively).
- c. As per claim 3, McElveen discloses wherein the specifying step further comprises specifying a criterion (the criterion in McElveen is whether or not there exists an emergency indicator or index).
- d. As per claim 4, McElveen discloses where the specifying step further comprises permitting the at least one user to specify the process for determining whether to use the at least one image (McElveen teaches the data transmitted to the monitoring service can include visual data and audio data. By incorporating the audio data in the data, it implies the user is permitted to specify the seriousness of emergency and better describe the emergency in audio, which would allow the emergency determining steps 460 and 468 in figure 4B to better conclude that an emergency exists in the visual data and proper authorities should be notified. In

another words, the user is permitted to specify the process by incorporating audio data in the data for emergency determination).

- e. As per claim 5, McElveen discloses wherein the specifying step further comprises recording user data (the data which includes the user data as explained above is stored in temporary storage at the determining step, see paragraph [0015]).
- f. As per claim 6, McElveen discloses wherein the determining step is responsive to an arrival rate of data from the user device (*Once received*, the data is tested to determined whether the data includes an emergency situation, paragraph [0025].
“Once received” implies the determining step is responsive to an arrival rate of data from the user’s device, a cell phone, as explained above. Additionally, the examiner notes, McElveen teaches the monitoring service system is capable of handling a large number of simultaneous calls, paragraph [0018], that also implies the determining step is responsive to an arrival rate of data from the user device).
- g. As per claim 7, McElveen discloses wherein the determining step is independent of further communication with one of the at least one user and the user device (the determining step is carried at E Code 460 and further confirmed by Monitor 470 as shown in figure 4B. Such determining step is independent of further communication with the user and the user device that occurs at step 478).
- h. As per claim 8, McElveen discloses the step of receiving user device data (the data as explained above includes cell phone identification data, paragraph [0020]; last three lines at page 2).

- i. As per claim 9, McElveen discloses wherein the user device data comprises at least one of location, altitude, biometric information, communication capability, functional capability, current communications speed, display capability, ability for remote management, recorded voice, and recoded location (paragraph [0020], last three lines includes at least cell phone identification data, audio data and position data that satisfy at least location, recorded voice and recorded locations as claimed).
- j. As per claim 10, McElveen discloses wherein the user data comprise at least one of calling number, a user name, a communication address associated with receipt of the at least one image, a user identification, a user location, user preference information, previous user behavior, user network access information, legal records pertaining to a user, privacy policies pertaining to a user, and a user service specification (paragraph [0020], at least the user data of GPS location and cell location are transmitted, the GPS location is the claimed "user location" and the cell location is the claimed "user network access information").
- k. As per claim 11, McElveen discloses wherein the determining step (as explained above the determining step in McElveen includes E code test step 460 and Monitor step 470 as shown in figure 4B) further comprises at least one of applying one or more rules of a specification of a service offering (the service offered in McElveen is E code testing, intelligent software, and human review, see paragraph [0025], and the rule for specifying an emergency at E code test step 460 is to determine whether the data includes an emergency situation indicator;

and rule for intelligent software and human review is to monitor the data for indicia of an emergency condition), applying one or more rules of a previously entered user specification, and applying one or more rules responsive to at least one of a location, a time of day, a consideration of multiple factors (the claim language calls for alternatives. Therefore, it requires only one alternative to be anticipated, and the first alternative above is explained and anticipated).

- l. As per claim 12, claim 12 is rejected because one of other alternatives has been anticipated by McElveen.
- m. As per claim 13, McElveen discloses wherein the step of applying one or more rules of a specification comprises at least one of speaker identification and face identification (McElveen at paragraph [0016] teaches the data not only includes the visual data but also identification data, audio data and etc. The identification data and audio data, either of which can identify the speaker/user, serve as emergency situation indicators at E code testing step 460 or indicia at monitoring step 470, see paragraph [0025]).
- n. As per claim 14, McElveen discloses wherein the using step further comprises at least one of a transmission to a third party (the data that includes image data is used to notify authorities at step 464, see paragraph [0025]) and logging for subsequent use (the data is further saved at in data save step 466, paragraph [0025], for future use. Also see paragraph [0008]).

- o. As per claim 15, McElveen discloses wherein the third party comprises at least one of a security service and law enforcement (the authorities in paragraph [0025] are police, fire, EMS or the like).
- p. As per claim 16, McElveen discloses the step of storing the at least one image (the data, which includes the image data, is saved at in data save step 466, paragraph [0025], for further use).
- q. As per claim 17, McElveen discloses the step of receiving an indication of emergency from the at least one user (the image in the data received by the monitoring service if contains an emergency would generate an emergency situation indicator at step 460. Therefore, the image data constitutes the claimed "indication", see paragraph [0025] The examiner further notes the data is capable of containing other data, such as audio data and position data, and these types of data can also serves as an indication of emergency if the audio data is a recorded message, see paragraph [0020], last three lines at page 2).
- r. As per claim 18, McElveen discloses apparatus (a preferred server 300, see figure 3, paragraph [0022]) for providing security in accordance with at least one user, comprising: a memory (memory 304); and at least one processor (digital processing unit 302) operative to: receive at least one image associated with a user device (paragraph [0025], at step 458, the data from the user's cell phone is received at the monitoring service. Note the data includes visual data, which is the claimed image data captured by the user's cell phone camera, see paragraphs [0016] and [0020], also see figure 1B), the user device (a cell phone) being

associated with the at least one user (the user is the owner of the cell phone); associate the at least one image with user data (the visual data is associated with the user data of identification data, optional audio data ... and global positioning data, paragraph [0016]); determine whether to use the at least one image (once the data is received, the data is tested to determine whether the data includes an emergency situation indicator, and if so, the proper authority is notified. In another words, the monitoring service determines whether to forward the data to notify authorities step 464 based on the existence of an emergency, see figure 4B and paragraph [0025]); and use the at least one image and at least a portion of the user data when indicated to do so in accordance with the determining operation (the notifying authorities step 464 uses the data to determine types of emergency in order to contact proper authorities, see paragraph [0025]).

- s. As per claim 19, McElveen discloses wherein the at least one processor and the memory comprise a server (a preferred server 300 in figure 3).
- t. As per claim 20, McElveen discloses an article of manufacture for providing security in accordance with at least one user, comprising a *computer-readable* medium (a preferred server 300 in paragraph [0022] includes a memory 304 for storing software programs) containing one or more programs (paragraph [0023], the programs are system software 312, communication software 314, monitoring software 318, call analysis software 320, database software 322 and a data base 324 for storing data) which then executed implement the steps of: receiving at least one image associated with a user device (paragraph [0025], at step 458, the

data from the user's cell phone is received at the monitoring service. Note the data includes visual data, which is the claimed image data captured by the user's cell phone camera, see paragraphs [0016] and [0020], also see figure 1B), the user device (a cell phone) being associated with the at least one user (the user is the owner of the cell phone); associating the at least one image with user data (the visual data is associated with the user data of identification data, optional audio data ... and global positioning data, paragraph [0016]); determining whether to use the at least one image (once the data is received, the data is tested to determine whether the data includes an emergency situation indicator, and if so, the proper authority is notified. In another words, the monitoring service determines whether to forward the data to notify authorities step 464 based on the existence of an emergency, see figure 4B and paragraph [0025]); and using the at least one image and at least a portion of the user data when indicated to do so in accordance with the determining step (the notifying authorities step 464 uses the data to determine types of emergency in order to contact proper authorities, see paragraph [0025]).

- u. As per claim 28, McElveen discloses a method of processing at least one image in accordance with at least one user (paragraph [0002]), comprising the steps of: receiving at least one image associated with a user device (paragraph [0025], at step 458, the data from the user's cell phone is received at the monitoring service. Note the data includes visual data, which is the claimed image data captured by the user's cell phone camera, see paragraphs [0016] and [0020], also see figure

1B), the user device (a cell phone) being associated with the at least one user (the user is the owner of the cell phone); associating the at least one image with user data (the visual data is associated with the user data of identification data, optional audio data ... and global positioning data, paragraph [0016]); determining whether to use the at least one image (once the data is received, the data is tested to determine whether the data includes an emergency situation indicator, and if so, the proper authority is notified. In another words, the monitoring service determines whether to forward the data to notify authorities step 464 based on the existence of an emergency, see figure 4B and paragraph [0025]); and using the at least one image and at least a portion of the user data when indicated to do so in accordance with the determining step (the notifying authorities step 464 uses the data to determine types of emergency in order to contact proper authorities, see paragraph [0025]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElveen in view of Zellner et al ("Zellner") (U.S. Patent No. 6,748,052 B2).

a. As per claim 21, McElveen discloses a method of operating a security service (McElveen: paragraph [0025]), comprising the steps of receiving at least one

image associated with a user device (McElveen: paragraph [0025], at step 458, the data from the user's cell phone is received at the monitoring service. Note the data includes visual data, which is the claimed image data captured by the user's cell phone camera, see paragraphs [0016] and [0020], also see figure 1B), the user device being associated with the at least one user (the user is the owner of the cell phone); determining whether to use the at least one image (once the data is received, the data is tested to determine whether the data includes an emergency situation indicator, and if so, the proper authority is notified. In another words, the monitoring service determines whether to forward the data to notify authorities step 464 based on the existence of an emergency, see figure 4B and paragraph [0025]). However, McElveen does not explicitly teach the security service is a fee-based service, which would require enrollment and a fee. Zellner teaches a monitoring service that allows a user to request for help by monitoring the vicinity of the user (Zellner: column 10, lines 20-60) using a cell phone with built-in camera (Zellner: column 10, lines 57-58). The Zellner's monitoring service is a fee-based service (Zellner: column 5, line 60), which requires the user to register his/her information first, (Zellner: column 7, lines 45-50). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to recognize that McElveen and Zellner provide similar services to the users. Therefore, McElveen could also charge for the service like Zellner's if he desires. Additionally, by adapting a fee-based service, it would clearly provide economic benefits to McElveen.

- b. As per claim 22, the combination of McElveen and Zellner teaches the step of providing wireless communication for the user device (As explained above both McElveen and Zellner teach the use of cell phones, which use wireless communication).
- c. As per claim 23, the combination of McElveen and Zellner teaches wherein the enrolling step further comprises receiving user data (Zellner: column 7, lines 45-50. Additionally, the service in Zellner is fee-based, which inherently requires submission of user data during subscription, column 11, lines 17-20).

5. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElveen in view of Dolwin (U.S. Pub. No. 2003/0129977 A1).

- a. As per claim 24, McElveen discloses a method of providing security in accordance with at least one user (McElveen: paragraph [0002]), comprising the steps of: capturing one or more images in accordance with a user device (paragraph [0013], a cell phone with a built-in camera is used to acquire images), the user device being associated with the at least one user (the user is the owner); transmitting at least one of the one or more captured images from the user device to a security service (paragraphs [0003], [0019] and [0025]). However, McElveen does not teach alerting the public, via the user device, in accordance with the capture of the one or more images. Dolwin teaches a survivor can use a standard mobile phone which includes a feature to initiate an alarm tone on all other phones in the vicinity to help locate the victims (Dolwin: paragraph [0007]). At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to adapt Dolwin's use in McElveen in the event of emergency because McElveen relies on sending image data to the monitoring service to notify the authorities for help in an emergency situation, which can take some time to arrive, and by adapting Dolwin's mobile phone feature to request help in nearby areas, the help can be obtained quickly (Dolwin: paragraph [0002]).

- b. As per claim 25, the combination of McElveen and Dolwin teaches wherein the alerting step further comprises user of at least one of a visual indicator, an audible indicator, an alarm and a spoken phrase (Dolwin teaches an alarm at paragraph [0007]).
- c. As per claim 26, the combination of McElveen and Dolwin teaches the step of receiving voice data (McElveen: paragraph [0020], page 2, last 2 lines. Audio data is transmitted along with visual data).
- d. As per claim 27, McElveen discloses apparatus (McElveen: cell phone 100 in figure 1) for providing security in accordance with at least one user (McElveen: paragraph [0002]), comprising: a device (cell phone 100) for use by the at least one user operative to: capture one or more images (paragraph [0013], digital camera 156 in figure 1B); transmit at least one of the one or more captured images to a security service (paragraphs [0003], [0019] and [0025]). However, McElveen does not teach alerting the public, via the user device, in accordance with the capture of the one or more images. Dolwin teaches a survivor can use a standard mobile phone, which includes an feature to initiate an alarm tone on all

other phones in the vicinity to help locate the victims (Dolwin: paragraph [0007]).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to adapt Dolwin's use in McElveen in the event of emergency because McElveen relies on sending image data to the monitoring service to notify the authorities for help in an emergency situation, which can take some time to arrive, and by adapting Dolwin's mobile phone feature to request help in nearby areas, the help can be obtained quickly (Dolwin: paragraph [0002]).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Y. Lu whose telephone number is (571) 272-7393. The examiner can normally be reached on 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571)-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TYL

A handwritten signature in black ink, consisting of a large, stylized 'A' or 'M' shape with a horizontal line extending to the right, and a smaller 'L' or 'J' shape below it.